

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,	)	No. CR-11-0107-WFN-6
	)	
Plaintiff,	)	ORDER GRANTING MOTION AND
	)	SETTING CONDITIONS
v.	)	OF RELEASE
	)	
CRUZ MENDOZA,	)	x Motion Granted
	)	(Ct. Rec. 412, 414)
Defendant.	)	
	)	
	)	<input type="checkbox"/> Action Required
	)	

Date of Motion hearing: September 9, 2011.

**IT IS ORDERED** that the release of the Defendant is subject to the following:

**STANDARD CONDITIONS OF RELEASE**

(1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement.

(2) Defendant shall immediately advise the court, defense counsel and the U.S. Attorney in writing before any change in address and telephone number.

(3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

(4) Defendant shall sign and complete A.O. 199C before being released and shall reside at the address furnished.

(5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.

(6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.

(7) Defendant shall contact defense counsel at least once a week.

(8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has

1 been shipped or transported in interstate or foreign commerce.

2 (9) That Cruz Mendoza cooperate with federal and state authorities  
3 in the collection of a DNA sample, if any is required.

#### BOND

4 (10) Defendant shall:

5 X Execute:

6 ☐ \$ \_\_\_\_\_ corporate surety bond

7 ☐ \$ \_\_\_\_\_ property bond

8 ☐ \$ \_\_\_\_\_ cash bond

9 X \$15,000 percentage bond, with 10% paid in cash to  
the court clerk.

#### ADDITIONAL CONDITIONS OF RELEASE

11 Upon finding that release by one of the above methods will not by  
12 itself reasonably assure the appearance of the Defendant and the  
13 safety of other persons and the community, **IT IS FURTHER ORDERED**  
that the release of the Defendant is subject to the following  
additional conditions:

14 X (14) Defendant shall remain in the:

15 X Eastern District of Washington or ☐ State of Washington

16 while the case is pending. On a showing of necessity, Defendant may  
17 obtain prior written permission to leave this area from the United  
States Probation Office.

18 X (15) Avoid all contact, direct or indirect, with any persons who  
19 are or who may become a victim or potential witness, in the subject  
investigation or prosecution.

20 X (16) Avoid all contact, direct or indirect, with:

21 X Known felons

21 X Co-Defendant(s)

22 X (18) Refrain from: X any ☐ excessive use of alcohol

23 X (19) There shall be no alcohol in the home where Defendant  
24 resides.

25 X (20) There shall be no firearms in the home where Defendant  
resides.

26 X (21) Refrain from use or unlawful possession of a narcotic drug  
27 or other controlled substances defined in 21 U.S.C. § 802, unless  
prescribed by a licensed medical practitioner.

#### SUBSTANCE ABUSE EVALUATION AND TREATMENT

28 If Defendant is required to submit to a substance abuse evaluation,

1 inpatient or outpatient treatment, the following shall apply:

2 Defendant shall complete treatment indicated by an evaluation or  
3 recommended by Pretrial Services and shall comply with all rules of  
4 a treatment program. Defendant shall be responsible for the cost of  
5 testing, evaluation and treatment, unless the United States  
6 Probation Office should determine otherwise. The United States  
7 Probation Office shall also determine the time and place of testing  
8 and evaluation and the scope of treatment. If Defendant fails in  
9 any way to comply or cooperate with the requirements and rules of a  
10 treatment program, Pretrial Services shall notify the court and the  
11 U.S. Marshal, who will be directed to immediately arrest the  
12 Defendant.

13 Defendant shall participate in one or more of the following  
14 treatment programs:

15 X (24) **Substance Abuse Evaluation:** Defendant shall undergo a  
16 substance abuse evaluation:

17 X if directed by a U.S. Probation Officer.

18 ☐ as directed by a U.S. Probation Officer.

19 ☐ Prior to release, Defendant must have an appointment for a  
20 substance abuse evaluation, and the appointment must be  
21 confirmed to the court by Pretrial Services. Defendant will  
22 be released:

23 ☐ one day prior to, or ☐ on the morning of his appointment.

24 ☐ (25) **Inpatient Treatment:** Defendant shall participate in an  
25 intensive inpatient treatment program.

26 ☐ Prior to release, an available bed and date of entry must be  
27 confirmed by Pretrial Services.

28 ☐ Defendant will be released to an agent of the inpatient  
program on \_\_\_\_\_.

☐ Prior to release from inpatient treatment, an outpatient  
treatment program must be presented to the court. If  
Defendant does not have a structured outpatient treatment  
program in place prior to conclusion of inpatient treatment,  
Defendant automatically will go back into the custody of the  
U.S. Marshal.

☐ Following inpatient treatment, Defendant shall participate in  
an aftercare program.

22 X (26) **Outpatient Treatment:** Defendant shall participate in  
23 intensive outpatient treatment.

24 ☐ Prior to release, an appointment for Defendant's first  
25 counseling session must be made and confirmed by Pretrial  
26 Services. Defendant will be released:

27 ☐ one day prior to, or ☐ on the morning of his appointment

28 X (28) **Prohibited Substance Testing:** If random urinalysis testing  
is not done through a treatment program, random urinalysis testing  
shall be conducted through Pretrial Services, and shall not exceed  
six (6) times per month. Defendant shall submit to any method of  
testing required by the Pretrial Service Office for determining  
whether the Defendant is using a prohibited substance. Such methods  
may be used with random frequency and include urine testing, the

wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing. Full mutual releases shall be executed to permit communication between the court, Pretrial Services, and the treatment vendor. Treatment shall not interfere with Defendant's court appearances.

#### HOME CONFINEMENT/ELECTRONIC/GPS MONITORING

X (29) Defendant shall participate in one or more of the following home confinement program(s):

X **Electronic Monitoring.** The Defendant shall participate in a program of electronically monitored home confinement, this system shall be in place no later than Monday, September 12, 2011. The Defendant shall wear, at all times, an electronic monitoring device under the supervision of U.S. Probation. In the event the Defendant does not respond to electronic monitoring or cannot be found, the U.S. Probation Office shall forthwith notify the United States Marshals' Service, who shall immediately find, arrest and detain the Defendant. The Defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the U.S. Probation Office.

☐ **GPS Monitoring.** The Defendant shall participate in a program of GPS confinement. The Defendant shall wear, at all times, a GPS device under the supervision of U.S. Probation. In the event the Defendant does not respond to GPS monitoring or cannot be found, the U.S. Probation Office shall forthwith notify the United States Marshals' Service, who shall immediately find, arrest and detain the Defendant. The Defendant shall pay all or part of the cost of the program based up ability to pay as determined by the U.S. Probation Office.

X **Curfew.** Defendant shall be restricted to his/her residence:

X every day from 8:00 p.m. to 6:00 a.m.

X as directed by the Pretrial Services Office

X **Home detention.** Defendant al restricted to the residence at [REDACTED] Washington, at all time except for:

attorney visits; court appearances; case-related matters; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Office or supervising officer, as well as:

X employment X education X religious services

X medical, substance abuse, or mental health treatment

DATED September 9, 2011.

s/James P. Hutton

JAMES P. HUTTON

UNITED STATES MAGISTRATE JUDGE